

1 Joseph H. Harrington
2 United States Attorney
3 Eastern District of Washington
Russell E. Smoot
4 Assistant United States Attorney
Post Office Box 1494
5 Spokane, WA 99210-1494
Telephone: (509) 353-2767

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 08 2019

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

7 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 ROBERT DVORAK,

12 Defendant.

2:19-CR-8-SAB

INDICTMENT

Vio: 21 U.S.C. § 841(a)(1), (b)(1)(B)(i)
Possession with Intent to Distribute
100 grams or More of a Mixture or
Substance Containing a Detectable
Amount of Heroin
(Count 1)

21 U.S.C. § 841(a)(1),
(b)(1)(B)(viii)
Possession with Intent to Distribute
50 grams or More of a Mixture or
Substance Containing a Detectable
Amount of Methamphetamine
(Count 2)

18 U.S.C. §§ 922(g)(3), 924(a)(2)
Unlawful User of Controlled
Substances in Possession of
Firearms (Count 3)

Forfeiture Allegations
18 U.S.C. § 924, 21 U.S.C. § 853,
28 U.S.C. § 2461

The Grand Jury charges:

COUNT 1

On or about December 28, 2018, in the Eastern District of Washington, the Defendant, ROBERT DVORAK, did knowingly and intentionally possess with the intent to distribute 100 grams or more of a mixture or substance containing a detectable amount of Heroin, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(i).

COUNT 2

On or about December 28, 2018, in the Eastern District of Washington, the Defendant, ROBERT DVORAK, did knowingly and intentionally possess with the intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of Methamphetamine, a Schedule II controlled substance, all in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii).

COUNT 3

On or about December 28, 2018, in the Eastern District of Washington, the Defendant, ROBERT DVORAK, being an unlawful user of controlled substances, to wit: Methamphetamine, did knowingly possess in and affecting interstate and foreign commerce, firearms, to wit:

- Remington, model 770, 7mm Rem Mag rifle, bearing serial number M71981332;
 - Sig Sauer Sp2022, 9mm handgun, bearing serial number 24B283876
 - Thompson Center Arms rifle, bearing serial number 94535 (with two barrels (25-06 Remington and 300 Winchester Mag));
 - Smith and Wesson, model MP15-22, .22 caliber rifle, bearing serial number DVE9642;
 - Sun City Machinery, model Stevens 320, 12 gauge shotgun, bearing serial number 153426Q;
 - Mossberg and Sons, model 320k, .22 caliber rifle, bearing no serial number;

- Stevens model 320, 12 gauge shotgun, bearing serial number 162307B;
- High Standard (brand name JC Higgins), model 20, 12 gauge shotgun, bearing no serial number;
- Savage, model 94C, .410 gauge shotgun, bearing no serial number;
- Hi-Point, model 4095, .40 caliber rifle, bearing serial number H49888;
- Hi-Point, model 995, 9mm caliber rifle, bearing serial number F14550;
- Bushmaster, model XM15-E2S, .223 caliber rifle, bearing serial number L520323;
- Smith and Wesson, model MP15, .556 caliber rifle, bearing serial number SZ28161; and
- Titan, model Titan, .25 caliber pistol, bearing serial number 156965;

which firearms had theretofore been transported in interstate and foreign commerce, in violation of 18 U.S.C. §§ 922(g)(3), 924(a)(2).

NOTICE OF CRIMINAL FORFEITURE

The allegations contained in this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853, 28 U.S.C. § 2461(c).

PROPERTY CONSTITUTING PROCEEDS

Pursuant to 21 U.S.C. § 853, upon conviction of an offense in violation of 21 U.S.C. § 841 as set forth in Counts 1 and 2 of this Indictment, the Defendant, ROBERT DVORAK, shall forfeit to the United States of America, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the offense.

If any of the property described above, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;

- 1 b. has been transferred or sold to, or deposited with, a third party;
- 2 c. has been placed beyond the jurisdiction of the court;
- 3 d. has been substantially diminished in value; or
- 4 e. has been commingled with other property that cannot be divided without
difficulty;

5 the United States of America shall be entitled to forfeiture of substitute property
6 pursuant to 21 U.S.C. § 853(p).

7

8 FIREARMS AND AMMUNITION

9 Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), upon conviction of an
10 offense in violation of 18 U.S.C. § 922, as set forth in Count 3 of this Indictment, the
11 Defendant, ROBERT DVORAK, shall forfeit to the United States of America, any
12 firearms and ammunition involved or used in the commission of the offense,
13 including, but not limited to the following:

- 14 - Remington, model 770, 7mm Rem Mag rifle, bearing serial number
M71981332;
- 15 - Sig Sauer Sp2022, 9mm handgun, bearing serial number 24B283876
- 16 - Thompson Center Arms rifle, bearing serial number 94535 (with two barrels
(25-06 Remington and 300 Winchester Mag));
- 17 - Smith and Wesson, model MP15-22, .22 caliber rifle, bearing serial number
DVE9642;
- 18 - Sun City Machinery, model Stevens 320, 12 gauge shotgun, bearing serial
number 153426Q;
- 19 - Mossberg and Sons, model 320k, .22 caliber rifle, bearing no serial number;
- 20 - Stevens model 320, 12 gauge shotgun, bearing serial number 162307B;
- 21 - High Standard (brand name JC Higgins), model 20, 12 gauge shotgun,
bearing no serial number;
- 22 - Savage, model 94C, .410 gauge shotgun, bearing no serial number;
- 23 - Hi-Point, model 4095, .40 caliber rifle, bearing serial number H49888;

- Hi-Point, model 995, 9mm caliber rifle, bearing serial number F14550;
 - Bushmaster, model XM15-E2S, .223 caliber rifle, bearing serial number L520323;
 - Smith and Wesson, model MP15, .556 caliber rifle, bearing serial number SZ28161; and
 - Titan, model Titan, .25 caliber pistol, bearing serial number 156965.

DATED this 8 day of January 2019.

Joseph H. Harrington
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United States Attorney


Russell E. Smoot
Assistant United States Attorney